

REMARKS

The Office Action of January 4, 2008, was received and carefully reviewed. In response, Applicants have amended claims 2, 3, 5, 6, 9, 20, 21, and 27 to correct minor informalities unrelated to patentability, and have added new claims 35-43 to further define the invention. Accordingly, claims 2-43 are pending, with claims 12-19, 33, and 34 having been withdrawn from consideration.

In addition, Applicants have amended withdrawn claims 15 and 33 to be commensurate with the amendments made to the presently pending claims. The amendments to claims 15 and 33 are for purposes of correcting minor informalities in the event that withdrawn claims 12-19, 33, and 34 are rejoined with the pending claims of the present application.

In accordance with the request on page 2 of the Office Action to correct any errors in the Specification, Applicants concurrently submit herewith a Substitute Specification and Version Showing Changes Made to correct minor errors in the Specification. In addition, Applicants respectfully note that the paragraph numbering in the Substitute Specification is commensurate with the paragraph numbering provided for and shown in the corresponding application Publication No. US 2004/0065902 A1.

Applicants respectfully assert that the Substitute Specification does not introduce new matter into the Specification. Accordingly, Applicants respectfully request the Substitute Specification be accepted and that the originally-filed Specification be replaced with the Substitute Specification.

On pages 3 to 10 of the Office Action, claims of the instant application stand provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending applications 10/980,603, 10/337,391, 10/333,391, and 11/258,933, and in view of Luo (US 4,040,073). Applicants respectfully request that these rejections be held in abeyance until all prior art rejections are overcome.

On pages 11 to 14 of the Office Action, claims 2-4, 20-24, and 27-30 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sasaki et al. (US 5,790,213), and claims 5-8, 9-11, 25, 26, 31, and 32 stand rejected under 35 U.S.C. § 103(a) over Sasaki et al. in view of Luo. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claims 2 and 20 both recite a portable telephone including a display device having a plurality of pixels such that each of the plurality of pixels includes “an electroluminescence element electrically connected to the second thin film transistor.” Similarly, independent claims 23, 27, and 29 each recite a portable telephone including a display device having a plurality of pixels such that each of the plurality of pixels includes “an electroluminescence element electrically connected to the current control element.” Applicants respectfully assert that Sasaki et al. fails to teach or suggest the combination of elements recited by at least independent claims 2, 20, 23, 27, and 29.

The Office Action alleges that Sasaki et al. discloses an electroluminescence element at col. 8, lines 43-46. However, Applicants respectfully assert that Sasaki et al. merely discloses “[a]lthough it is not shown in FIG. 2, each pixel 1 includes liquid crystal whose rotation angle varies with a change in an electric field, and a polarizing plate for polarizing the incident light and emitting the polarized light.” Applicants respectfully assert that Sasaki et al. discloses *nothing* regarding an electroluminescence element, as is known to those of ordinary skill in the art. Specifically, Applicants respectfully assert that Sasaki et al. explicitly discloses a liquid crystal display element and a polarizing plate that filter light created by a backlight device.

As is very well known by ordinarily skilled artisans in the display art, the liquid crystal display element and polarizing plate of Sasaki et al. are incapable of providing anything remotely similar to electroluminescence. Moreover, as is similarly well known by ordinarily skilled artisans in the display art, electroluminescence is generally achieved by passing current through a luminescent material to generate light from the luminescent material. In contrast to Applicants’ claimed invention, the liquid crystal display element and polarizing plate of Sasaki et al. inherently lack the ability to generate light, and as such, the liquid crystal display element and polarizing plate of Sasaki et al. may not reasonably be considered to be an electroluminescence element using the “reasonable broadest interpretation” standard set forth by the Office. Furthermore, interpreting that the liquid crystal display element and polarizing plate of Sasaki et al. is an electroluminescence element is completely regnant to the definition of an electroluminescence element, as repeatedly used throughout the instant specification and as commonly used in the display art/industry.

Accordingly, Applicants respectfully assert that since Sasaki et al. fails to teach or suggest an electroluminescence element, as recited by at least independent claims 2, 20, 23, 27, and 29, then the rejection of claims in view of Sasaki et al. must be withdrawn.

Moreover, Applicants respectfully assert that Luo fails to remedy the deficiencies of Sasaki et al., as detailed above. Specifically, Applicants respectfully assert that Luo fails to teach or suggest the use of an electroluminescence element, as is known to those of ordinary skill in the art. As such, the combined teachings of Sasaki et al. and Luo fails to render Applicants' claimed invention obvious. Thus, Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to any of the pending claims of the instant application.

In view of the foregoing, Applicants respectfully request that the prior art rejections of record be reconsidered and withdrawn by the Examiner, that all pending claims be indicated as allowable, except for the provisional double patenting rejections, and that the application be passed to issue.

If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

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